

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

PAUL ROBERT PICKENS, )  
ID # 2007116, )  
Petitioner, )  
vs. )      No. 3:17-CV-1328-M  
                )  
LORIE DAVIS, Director, Texas )  
Department of Criminal Justice, )  
Correctional Institutions Division, )  
Respondent. )

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.

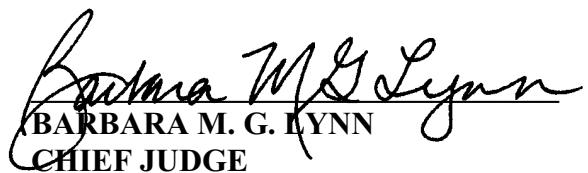
For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, *Petitioner's Motion for Reconsideration*, received February 5, 2019 (doc. 30), is construed as a motion under Fed. R. Civ. P. 59(e) and **DENIED**. However, the denial of the motion is without prejudice to the filing of a new post-judgment motion that presents his objections.

In accordance with Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c) and after considering the record in this case and the recommendation of the Magistrate Judge, the petitioner is **DENIED** a Certificate of Appealability. The Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions and Recommendation in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this Court's "assessment of the constitutional claims debatable or wrong," or (2) that reasonable jurists would find "it debatable whether the petition states

a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

If the petitioner files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* and a properly signed certificate of inmate trust account.

**SIGNED this 7th day of March, 2019.**



Barbara M. G. Lynn  
BARBARA M. G. LYNN  
CHIEF JUDGE